



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
First Regular Session

Senate: GOV DP 5-2-1-0 | 3rd Read 16-12-2-0

House: GOV DPA 5-4-0-0

SB 1021: attorney general; legislature; legal challenges

Sponsor: Senator Kavanagh, LD 3

House Engrossed

Overview

Requires the Attorney General (AG) to defend all laws passed in Arizona against all legal challenges.

History

The AG oversees and directs the Department of Law (DOL) and serves as chief legal officer of Arizona. The Attorney General is the legal advisor of the departments of Arizona and renders legal services as the departments require ([A.R.S. § 41-192](#)).

The DOL is composed by the AG, the DOL must:

- 1) prosecute and defend in the Supreme Court all proceedings in which the state of Arizona or an officer Arizona, in the officer's official capacity, is a party; and
- 2) at the direction of the Governor or the AG, prosecute and defend any proceeding in a state court other than the Supreme Court in which the state of Arizona or an officer of Arizona is a party or has an interest in ([A.R.S. § 41-193](#)).

Provisions

1. Adds that the clerk of the court must notify the Speaker of the House of Representatives and the President of the Senate when a preceding of constitutionality has no party alleging that the state statute is unconstitutional. (Sec. 1)
2. Mandates the AG defend the constitutionality of all laws passed by the Legislature and signed by the Governor in any legal proceeding. (Sec. 2)
3. Stipulates the AG must be relieved from defending the constitutionality of any law passed by the legislature if the AG provides notice to the Speaker of the House and President of the Senate at least 10 days before filing any pleading that the AG does not intend to defend the law. (Sec. 2)
4. Makes technical and conforming changes. (Sec. 1, 2)

Prop 105 (45 votes)

Prop 108 (40 votes)

Emergency (40 votes)

Fiscal Note